GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Water Resources Department – Arbitration – An amount of Rs. 5,50,00,000/– (Rupees Five Crores and Fifty Lakhs only) as full and final settlement of the claims in O.S.No.396 of 2010 on the file of XIII Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad and CCCA No.111 of 2014 on the file of the High Court of Judicature at Hyderabad for the State of Telangana and State of Andhra Pradesh towards the work of excavation of Yeleru Left Main Canal from Km 42.000 to Km 48.300 to Sri P. Mastan Reddy, (General Power of Attorney Holder and Sub Letting Contractor of Sri B. Govinda Reddy, Contractor) – Sanctioned - Orders – Issued.

WATER RESOURCES (ARB) DEPARTMENT

G.O.Rt.No. 482 , **Dated: 24.02.2022.**

Read the following:

1. Orders of the XIII Additional Chief Judge (Fast Track Court) City Civil Court at Hyderabad, dated: 11.11.2014 in I.A. No. 838 of 2014 in O.S.No. 396 of 2010.
2. From Sri B. Govinda Reddy, Representation by GPA & Subletting Contractor, Sri P. Mastan Reddy, Hyderabad, Representation dated: 17.06.2018.
3. Orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and State of Andhra Pradesh, dated: 21.06.2018 in CCAMP No. 445 of 2014 and CCCAMP No. 286 of 2015 in CCCA No. 111 of 2014.
4. From Engineer-in-Chief, Water Resources Department Lr. No. ENC(I)/DCE – GDS/OT-3/AEE7/Court Case dated: 02.10.2018
5. Govt.Memo No. ICD01/79/2018-ARB-WRD dated 31.10.2018.
6. From ENC (Irrigation), WRD, Vijayawada Lr.No.ENC(I)/DCE (GDS)/OT.3/AEE.7/O.S.No.396 dated: 29.10.2019 along with Minutes of the meeting of the conciliation committee and Original Consent letter submitted by Sri P. Mastan Reddy, Contractor.

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ORDER:

The work "Excavation of Yeleru Left Main Canal from Km.42.000 to Km 48.300" entrusted to Sri B.Givinda Reddy, Contractor vide Agt.No.15 YR/1984-85 dt.06.06.1984. The contractor failed to execute the work as per the terms and conditions of the agreement. Due to slow progress of work, the work was let out to Sri P. Mastan Reddy, Contractor. In the reference 2rd read above, Sri P. Mastan Reddy(General Power of Attorney Holder and Sub Letting Contractor of Sri. B. Govinda Reddy) contractor has submitted the representation for settlement of the dispute without prejudice to his rights and contentions in CCCA No.111/2014 which is pending consideration before the Hon'ble High Court, Hyderabad.

2. As per the orders of XIII Additional Chief Judge (Fast Track Court), City Civil Court at Hyderabad in the reference 1st read above and as per the orders of Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and State of Andhra Prades in the reference 3rd read above, the Engineer-in-Chief (Irrigation), Water Resources Department, Vijayawada has requested the Government to issue necessary instructions on referring the matter to Conciliation Committee, AP Region for negotiating with contractor for amicable settlement as proposed by S.E. Irrigation circle, Dowalaiswaram vide reference 4th read above.

3. In the reference 5th read above, the Engineer-in- Chief (Irrigation), Water Resources Department, Vijayawada was requested to place the proposal before the Conciliation Committee constituted as per G.O.Rt.No.103, I&CAD (Arb) Dept., dated 24.01.2008 to negotiate with the contractor for amicable settlement and send his report to Government.

4. In the reference 6th read above, the Engineer – in – Chief (Irrigation), Convenor of Conciliation Committee, conducted a Conciliation Committee meeting on 16.10.2019. During the meeting, after detailed discussions and negotiations with the Contractor, the contractor has agreed to accept for the payment of Rs. 5,50,00,000/- (Rupees Five Cores Fifty Lakhs only) as against Rs. 8,58,39,314 (Rupees Eight Crores Fifty Eight Lakhs Thirty Nine Thousand Three Hundred and Fourteen) as per court order as full and final settlement of the claims. The Contractor has given a notarized affidavit to this effect.

(P.T.O)

5. Government, after careful examination of the entire matter, hereby accord sanction for an amount of Rs. 5,50,00,000 (Rupees Five Crores Fifty Lakhs only) as full and final settlement of the claims in O.S.No.396 of 2010 on the file of XIII Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad and CCCA No.111 of 2014 on the file of the High Court of Judicature at Hyderabad for the State of Telangana and State of Andhra Pradesh towards the work of excavation of Yeleru Left Main Canal from Km 42.000 to Km 48.300 to Sri P. Mastan Reddy, (General Power of Attorney Holder and Sub Letting Contractor of Sri. B. Govinda Reddy, Contractor), as recommended by the Conciliation Committee, as agreed by the contractor, as amicable settlement and as per the orders of the Hon'ble High Court for the states of Telangana and Andhra Pradesh subject to keep in view the recovery if any to be made towards excess expenditure incurred in respect of the work deleted under clause 60 (C) and entrusted to other agency taking into account the securities available with the Department while releasing the final bill and subject to condition that withdraw all legal proceedings pending in the Hon'ble Courts or any legal forums if any in respect of subject work after realization of sanctioned amount.

6. The expenditure sanctioned in para (5) above shall be chargeable under the Head of Account "4700 – Capital Outlay on Major and Medium Irrigation – 01- Major Irrigation – Commercial – MH 116 - Yeleru Reservoir Scheme – GH (11) State Development Scheme – SH (27) Canals and Distributaries – 530 Major Works – 531 Other Expenditure (Charged).

7. The Engineer – in – Chief (Irrigation), WRD, Vijayawada, is directed to deposit the above sanctioned decretal amount to the credit of O.S.No. 396 of 2010 on the file of XIII Addl. Chief Judge (FTC), CCC, Hyderabad and CCCA No. 111 of 2014 on the file of Hon'ble High Court of Hyderabad for the States of Telangana and Andhra Pradesh, for avoiding further legal complications in the matter. He is also directed to obtain a declaration on a notarized affidavit from the above Contractor stating that he shall withdraw all legal proceedings in respect of work covered under O.S. No. 396 of 2010 against the Government of Andhra Pradesh or its representative after realization of accepted amount. Further, he is also directed to instruct the disbursing office concerned to obtain declaration from the above contractor accepting the amount as full and final settlement of all its claims before depositing the above sanctioned amount in the respective court.

8. The Engineer – in – Chief (Irrigation), WRD, Vijayawada is requested to take immediate necessary action accordingly.

9. This order issues with the concurrence of the Finance (FMU – WR.II) Department vide their U.O.Note.No.:FIN01-FMU0PC (WR3)/310/2020-FMU-WR-III (Computer No.1294750), dated: 07.02.2022.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Engineer – in – Chief (Irrigation), Water Resources Department, Vijayawada.
Copy to:
The Special Government Pleader for Irrigation, O/o. the Advocate General, High Court Buildings, Nelapadu, Amaravati.
The Chief Engineer, Dowlaiswaram, East Godavari District.
The Accountant General, A.P. Vijayawada.
The District Treasury Officer, Kakinada.
The Director of Works & Accounts, Kakinada.
The P.S. to Minister for WRD.
The P.S. to Spl.C.S. to Government, Water Resources Department.
The Finance (FMU. WR.II) Department.
The Law Department.
SF/SC.

//FORWARDED::BY ORDER//

P. Srinivasulu
SECTION OFFICER